

# COUNCIL COMMUNICATION

AGENDA TITLE:

Public Hearing to consider the following recommendations of the Planning Commission:

- a) Amend the land use element of the General Plan to redesignate from "O", Office Institutional to E-R, Eastside Residential for the following properties: 200, 210 & 220 West Oak Street; 300 & 400 blocks of West Oak Street; 200, 300 & 400 blocks of West Walnut Street (except 420 West Walnut Street); 104-233 South Pleasant Avenue; 112-237 South Lee Avenue; 9 North Hutchins Street; 503-510 West Pine Street; and 5-25 South Hutchins Street;
- b) Rezone from R-C-P, Residential-Commercial-Professional to R-1\*, Single-Family Residential Eastside for the following properties: 200, 300 & 400 blocks of West Walnut Street (except 420 West Walnut Street); 104-233 South Pleasant Avenue; 112-237 South Lee Avenue; 9 North Hutchins Street; 503-510 West Pine Street; and 5-25 South Hutchins Street; and
- c) Certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above projects.

MEETING DATE: November 16, 1994

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council conduct a Public Hearing to consider the following recommendations of the Planning Commission:

- a) to amend the land use element of the General Plan to redesignate from "O", Office Institutional to E-R, Eastside Residential for the following properties: 200, 210 & 220 West Oak Street; 300 & 400 blocks of West Oak Street; 200, 300 & 400 blocks of West Walnut Street (except 420 West Walnut Street); 104-233 South Pleasant Avenue; 112-237 South Lee Avenue; 9 North Hutchins Street; 503-510 West Pine Street; and 5-25 South Hutchins Street;
- b) Rezone from R-C-P, Residential-Commercial-Professional to R-1\*, Single-Family Residential Eastside for the following properties: 200, 210 & 220 West Oak Street, 300 & 400 blocks of West
  Oak Street; 200, 300 & 400 blocks of West Walnut Street (except 420 West Walnut Street); 104233 South Pleasant Avenue; 112-237 South Lee Avenue; 9 North Hutchins Street; 503-510 West
  Pine Street; and 5-25 South Hutchins Street; and

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THOMAS A. PETERSON
City Manager

City Council - GPA, Rezone, Neg. Dec. Area West of Downtown

Meeting Date: November 16, 1994

Page two

c) Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

BACKGROUND INFORMATION: One of the recommendations of Lodi's Downtown Revitalization
Consultant, Michael Freedman was to downzone the area west of
the Central Business District which was designated for office use.

This action had two purposes. First, it would reduce the area in the central city available for office use and would encourage office uses on second floor in the business district. Secondly, it would preserve a residential area which is important to both the downtown and the community.

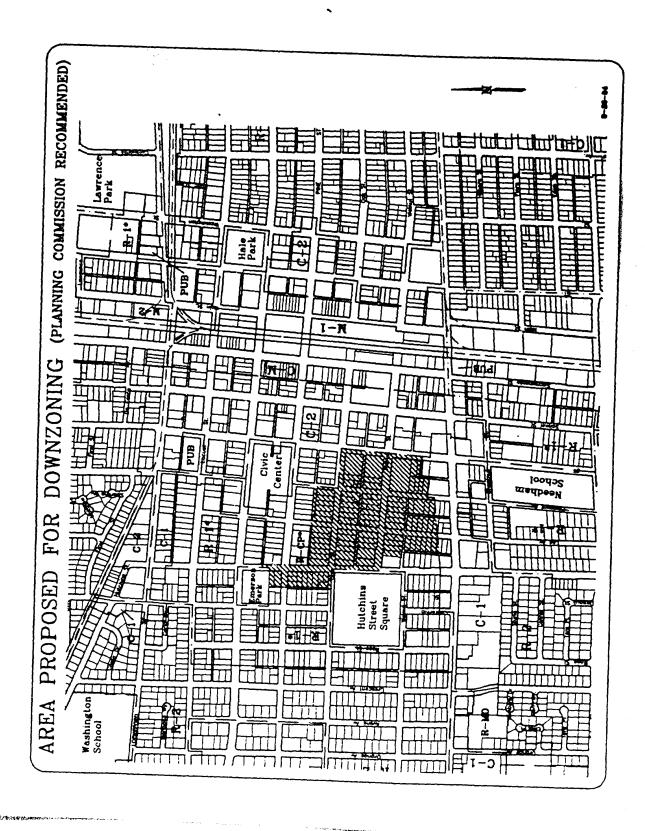
After reviewing Mr. Freedman's request the Planning Commission initiated the downzoning of the area generally south of the alley between Pine and Oak Streets to the commercial property along Lodi Avenue between Church and Hutchins Streets. The Planning Commission's recommendation does not include any properties zoned C-2, General Commercial, or C-1, Neighborhood Commercial, nor properties already used for office purposes along West Pine Street, West Elm Street or North Pleasant Avenue.

FUNDING: None required.

community Development Director

JBS/ck Attachment

THE REPORT OF THE PARTY OF THE



#### **MINUTES**

#### LODI CITY PLANNING COMMISSION

## CARNEGIE FORUM **305 WEST PINE STREET** LODI, CALIFORNIA

MONDAY

### **SEPTEMBER 26, 1994**

7:30 P.M.

The Planning Commission met and was called to order by Chairman Roger Stafford.

Commissioners Present: Susan Hitchcock, Michael Lapenta, Harry Marzolf, John Schmidt, Jonathan McGladdery and Chairman Roger Stafford.

**ROLL CALL** 

Commissioners Absent: Craig Rasmussen.

Others Present: Jerry Glenn, Assistant City Manager, John Luebberke, Assistant City Attorney, and David Morimoto, Senior Planner.

Upon motion of Commissioner Hitchcock, seconded by Commissioner Lapenta, and unanimously passed, Chairman Stafford declared the Minutes of the Regular Session of September 12, 1994 approved as mailed.

**MINUTES** SEPT. 12, 1994

Due to the expected length of the scheduled public hearing the next agenda item, "Special Presentation - Review of City Busline Routes" was moved to the end of the agenda.

AGENDA ITEM MOVED

#### **PUBLIC HEARING**

The public hearing was to consider the requests of the Lodi City Planning Commission to (1) amend the Land Use Element of the General Plan to redesignate from "O", Office-Institutional to "E-R", Eastside - Residential certain parcels generally located in the area bounded by Pine Street, Church Street, Lodi Avenue, and Hutchins Street; (2) to rezone from R-C-P. Residential-Commercial-Professional to R-1\*, Single Family Residential - Eastside the same parcels, and (3) to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above projects. Senior Planner Morimoto introduced the matter for the Planning Commission. He described the areas included in the request. He stated that the staff study concentrated on a core area where most of the properties are still residential and excluded areas like Pine Street and North Pleasant Avenue where the majority of properties have already been converted to office uses..

**GENERAL PLAN** AMENDMENT

REZONING

**NEGATIVE** DECLARATION

R-C-P AREA **BOUNDED BY** PINE ST, CHURCH ST, LODI AVE &

Commissioner Hitchcock asked what the effect would be on properties currently used for business. Senior Planner Morimoto indicated that any property that had already been converted to an office or apartment would be considered conforming under the downzoning. This would

not necessarily include "Home Occupations" or businesses run out of a regular house.

Commissioner Schmidt inquired as to the reason for the proposed downzoning. Chairman Stafford stated that the downtown revitalization study encourages the location of offices in the downtown area where the bulk of office space currently is vacant. The Freedman study saw the housing stock in the area immediately west of downtown as desireable older, well maintained

homes which should be retained as residential stock.

Chairman Stafford then opened the hearing to the public. The first speaker was James Griffith, 1020 Bradford Circle. He suggested that the area along Pine Street north of the area under consideration should be included in the downzoning. He spoke in favor of the rezoning and felt **HUTCHINS ST** 

it would help maintain the quality housing in the area.

The next speaker, Robin Knowlton, 410 West Oak Street, was in favor of the rezoning. She stated that office conversions leave buildings in the area unoccupied at night, creating a neighborhood safety problem. Conversion diminishes the sense of neighborhood and adversely affect surrounding properties.

The third speaker was Phil White who has a small psychology practice and also resides at 232 South Hutchins Street. Mr. White inquired how staff had determined which houses had businesses. Mr. Morimoto stated that staff had conducted a visual survey of the area. Mr. White was concerned that if the downzoning is approved he might not be able to use the property solely for a business office should he decide to move his residence from the area. He stated he had called the police at least 50 times in the last year because of disturbances created by the adjacent Jack-in-the-Box and felt the area is no longer desireable as a residential area. He also cited the future widening of Hutchins Street leaving very narrow front yards in most cases as making the area unsuitable for residential use. He said his lot is deep enough to accommodate several parked cars in the rear.

Commissioner Schmidt asked staff about the current R-C-P zoning. Staff explained the permitted uses.

Phil White returned to express disagreement with the plan to downzone the area to force businesses to locate downtown. He felt it was unfair to property owners and requested that his property be excluded from the downzone plan.

Representing Mr. and Mrs. Don Campbell, owners of a vacant 16,000 square foot parcel at 420 West Walnut Street, Lynette Scherer felt the rezoning would decrease the value of the property. She said the size of the parcel makes it inappropriate for a single-family home and requested that the property be deleted from the area to be rezoned.

Hal Jones, 235 South Hutchins stated he purchased his property because of the office-residential zoning. He cited the noise from Lodi Avenue as making the area unsuitable for residential use and felt R-C-P zoning is a good buffer between commercial and residential uses. He requested that his property and the property next door at 241 South Hutchins be allowed to remain R-C-P.

Lance Robinson, a business owner residing at 25 South Hutchins Street disagreed that that the types of businesses in the area downgrade the neighborhood and asked to be excluded from the rezoning.

Don Shephard, 215 South California Street, congratulated the City for taking action to preserve the residential character of the area. He voiced his support for the rezoning.

Pat Santoni, 323 West Oak Street stated she has worked in real estate and is interested in downtown revitalization but is curious as to who or what type of businesses will be drawn to downtown. She wanted to know what has been accomplished as a result of the Freedman study and the workshops. In response to Ms. Santoni's inquiry, Commissioner Hitchcock said a lot is going on behind the scenes that most people are not aware of. She also indicated her interest in the downzoning proposal is primarily to preserve the older residences rather than to promote downtown revitalization.

Commissioner Lapenta who said he is a downtown merchant noted that he is impressed with the downtown revitalization effort, but also has questions about some of the recommendations. He is, however, willing to consider all proposals. Mr. Lapenta invited the public to attend the

DLBA meetings adding that many of their questions about the progress of the downtown effort could be answered at these meetings.

Gerald Hanning, property owner and resident of 207 South Hutchins Street said he was the only one of his neighbors willing to sell the City frontage for a right-of-way to widen South Hutchins Street. He stated he wished to be eliminated from the list of downzone properties since his property had already been converted to an art gallery..

Chairman Stafford then read a list of permitted uses in the R-C-P zone.

Jean Macaluso, 232 South Lee Avenue stated she purchased her home because of the R-C-P zone thinking she might open a business. She wishes to remain zoned R-C-P.

Chairman Stafford then closed the public portion of the hearing and returned the discussion to the Commission. In response to a question about the number of businesses in the area, Senior Planner Morimoto stated the study had determined that out of 109 parcels in the area, 16 had a residential use other than single-family (apartments, duplexes, etc.), 13 had office-institutional uses (offices, a school and two churches.).

Commissioner Schmidt indicated his support of the downzone excluding the area south of Walnut Street to Lodi Avenue.

Commissioner Lapenta voiced his preference to approve the downzone except the block of Hutchins Street between Walnut Street and Lodi Avenue. He also said he would like a study done on the Pine Street corridor that was not included in this request.

Commissioner McGladdery felt it was wise to exclude from the downzone area Hutchins Street, Lodi Avenue north to Oak Street to include a couple of business type uses on the northwest and northeast corners of Hutchins and Oak Streets.

Chairman Stafford was concerned that eliminating the Hutchins Street properties South of Walnut Street from the downzone request would create a small island of R-C-P.

Commissioner Hitchcock felt the Commission should take another look at the area not included in the request between Lee and Hutchins on both sides of Pine Street.

Following some additional discussion, on a motion by Commissioner Hitchcock, second by Commissioner Marzolf, the Commission unanimously voted to recommend to the City Council certification of a negative declaration on the proposed downzone project.

The Commission then, on a motion by Commissioner Hitchcock, second by Commissioner Schmidt, unanimously approved recommending to the City Council amending the land use element of the General Plan to redesignate from "O", Office Institutional to E-R, Eastside Residential the following properties: 200, 210 and 220 West Oak Street; 300 and 400 blocks of West Oak Street; 200, 300 and 400 blocks of West Walnut Street except 420 West Walnut Street; 104 through 233 South Pleasant Avenue; 112 through 237 South Lee Avenue; 9 North Hutchins Street; 503 through 510 West Pine Street; and 5 through 25 South Hutchins Street.

Finally, on a motion by Commissioner Hitchcock, second by Commissioner Schmidt, the Commission unanimously voted to recommend to the City Council the rezoning from R-C-P, Residential-Commercial-Professional to R-1\*, Single-Family Residential - Eastside the following properties: 200, 210 and 220 West Oak Street; 300 and 400 blocks of West Oak Street; 200, 300 and 400 blocks of West Walnut Street except 420 West Walnut Street; 104 through 233 South Pleasant Avenue; 112 through 237 South Lee Avenue; 9 North Hutchins Street; 503 through 510 West Pine Street; and 5 through 25 South Hutchins Street

#### ORDINANCE NO. 1602

AN ORDINANCE OF THE LODI CITY COUNCIL

AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN BY
REDESIGNATING THE PARCELS LOCATED AT 200, 210 & 220 WEST OAK
STREET; 300 & 400 BLOCKS OF WEST OAK STREET; 200, 300 & 400 BLOCKS
OF WEST WALNUT STREET (EXCEPT 420 WEST WALNUT STREET); 104-233 SOUTH
PLEASANT AVENUE; 112-237 SOUTH LEE AVENUE; 9 NORTH HUTCHINS STREET;
503-510 WEST PINE STREET; AND 5-25 SOUTH HUTCHINS STREET FROM
"O", OFFICE INSTITUTIONAL TO E-R. EASTSIDE RESIDENTIAL

#### BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. The Land Use Element of the Lodi General 1 lan is hereby amended by redesignating the parcels located 200, 210 & 220 WEST CAK STREET; 300 & 400 BLOCKS OF WEST CAK STREET; 200, 300 & 400 BLOCKS OF WEST WALNUT STREET (EXCEPT 420 WEST WALNUT STREET); 104-233 SOUTH PLEASANT AVENUE; 112-237 SOUTH LEE AVENUE; 9 NORTH HUTCHINS STREET; 503-510 WEST PINE STREET; AND 5-25 SOUTH HUTCHINS STREET FROM "O", OFFICE INSTITUTIONAL TO E-R, EASTSIDE RESIDENTIAL, as shown on the Vicinity Map, on file in the office of the Lodi City Clerk.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved	this	day	of		_, 1	99
JACK A. S	BIEGLOCK			<u></u>		-

Attest:

JENNIFER M. PERRIN City Clerk

State of California County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1602 was introduced at a regular meeting of the City Council of the City of Lodi held November 16, 1994 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_\_, 1994 by the following vote:

Ayes:

Council Members -

Noes:

Council Members -

Absent:

Council Members -

Abstain:

Council Members -

I further certify that Ordinance No. 1602 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN City Clerk

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Approved as to Form

BOBBY W. McNATT City Attorney

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# ORDINANCE NO. 1603

AN ORDINANCE OF THE LODI CITY COUNCIL

AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI

AND THEREBY REZONING THE PARCELS LOCATED AT 200, 210 & 220

WEST OAK STREET; 300 & 400 BLOCKS OF WEST OAK STREET, 200, 300 &

400 BLOCKS OF WEST WALNUT (EXCEPT 420 WEST WALNUT STREET);

104-233 SOUTH PLEASANT AVENUE; 112-237 SOUTH LEE AVENUE;

9 NORTH HUTCHINS STREET; 503-510 WEST PINE STREET;

AND 5-25 SOUTH HUTCHINS STREET FROM R-C-P,

RESIDENTIAL-COMMERCIAL-PROFESSIONAL TO R-1\*,

SINGLE-FAMILY RESIDENTIAL

\_\_\_\_\_\_

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The parcels located at 200, 210 & 220 WEST OAK STREET; 300 & 400 BLOCKS OF WEST OAK STREET, 200, 300 & 400 BLOCKS OF WEST WALNUT (EXCEPT 420 WEST WALNUT STREET); 104-233 SOUTH PLEASANT AVENUE; 112-237 SOUTH LEE AVENUE; 9 NORTH HUTCHINS STREET; 503-510 WEST PINE STREET; AND 5-25 SOUTH HUTCHINS STREET are hereby rezoned from R-C-P, Residential-Commercial-Professional to R-1\*, Single-Family Residential - Eastside, as shown shown on vicinity map on file in the office of the City Clerk.

SECTION 2. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

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SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved	this	d	lay o	£	,	199	4
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JACK A. SIEGLOCK

Mayor

Attest:

JENNIFER M. PERRIN City Clerk

State of California County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1603 was introduced at a regular meeting of the City Council of the City of Lodi held November 16, 1994 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_\_, 1994 by the following vote:

Ayes:

Council Members -

Noes:

Council Members -

Absent:

Council Members -

Abstain:

Council Members -

I further certify that Ordinance No. 1603 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN City Clerk

Approved as to Form

BOBBY W. McNATT City Attorney

ORD1603/TXTA.01V

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Date: November 16, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, November 16, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Planning Commission's recommendation on the following matters:
  - Amend the land use element of the General Plan to redesignate from "O", Office Institutional to E-R, Eastside Residential for the follwing properties: 200, 210 & 220 West Oak Street; 300 & 400 blocks of West Oak Street; 200, 300 & 400 blocks of West Walnut Street (except 420 West Walnut Street); 104-233 Scuth Pleasant Avenue; 112-237 South Lee Avenue; 9 North Hutchins Street; 503-510 West Pine Street; and 5-25 South Hutchins Street;
  - Rezone from R-C-P, Residential-Commercial-Professional to R-1\*, Single-Family Residential - Eastside for the following properties:: 200, 210 & 220 West Oak Street; 300 & 400 blocks of West Oak Street; 200, 300 & 400 blocks of West Walnut Street (except 420 West Walnut Street); 104-233 South Pleasant Avenue; 112-237 South Lee Avenue; 9 North Hutchins Street; 503-510 West Pine Street; and 5-25 South Hutchins Street; and
  - Certify the filing of a negative declaration by the Community
     Development Director as adequate environmental documentation on the above projects.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

Mexta

By Order of the Lodi City Council:

Dated: October 5, 1994

Approved as to form:

Cft Clerk

Bobby W. McNatt City Attorney

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#### DECLARATION OF MAILING

On October 6, 1994 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 6, 1994, at Lodi, California.

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Jennifer M. Perrin City Clerk

Jacqueline L. Taylor

Deputy City Clerk

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